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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,994	06/04/2001	Hirohumi Takiue	WN-2326	4685

7590

10/23/2002

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EXAMINER

SUN, XIUQUIN

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/871,994

Applicant(s)

TAKIUE, HIROHUMI

Examiner

Xiuqin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Harada et al. (U.S. Pat. No. 5721583).

Harada et al. teach a method and system for analyzing data in a center, wherein said data is obtained from an instrument measuring an object in a user and sent through a communication network to the center (see abstract; Figs. 1-2 and col. 10, lines 25-41), comprising the steps and means of: accessing directly through said communication network to said center from said instrument (col. 7, lines 35-45 and lines 56-65; col. 10, lines 25-41 and col. 11, lines 53-57); sending said measured data together with a required information from said instrument to said center (col. 9, lines 40-48 and col. 10, lines 25-41); analyzing said measured data in said center automatically according to reference data stored previously (col. 8, lines 24-29; col. 9, lines 49-61 and col. 10, lines 25-41); and sending back an analysis result from said center to said user (col. 9, lines 49-61 and col. 10, lines 25-41).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. in view of Muta (U.S. Pat. No. 6286003 B1).

Harada et al. teach a method and system that includes the subject matter discussed above. Harada et al. do not mention explicitly: said communication network is an INTERNET and said center has a homepage on the INTERNET, comprising the steps of: accessing and opening the homepage from said user at a request for the analysis of the measured data; inputting data into required items shown on the homepage in said user; and sending the input data from said user to said center.

Muta discloses a method and system for controlling a GUI screen at a remotely controlled server machine on a communication network (see abstract; Figs. 2-3 and col. 1, lines 55-60), and teaches the following elements: said communication network is an INTERNET and said server machine has a homepage on the INTERNET (col. 3, lines 46-62); said method and system comprises the steps and means of: accessing and opening the homepage from said user at a request for the analysis of the measured data (col. 2, lines 60-66; col. 2, lines 45-49; col. 3, lines 31-42 and col. 8, lines 13-35); inputting data into

required items shown on the homepage in said user (col. 2, lines 60-66; col. 2, lines 45-49 and col. 3, lines 31-42); and sending the input data from said user to said server (col. 2, lines 60-66; col. 2, lines 45-49 and col. 3, lines 31-42).

It would have been obvious to include the teachings of Muta Internet and HTML page techniques in the Harada system in order to employ the latest World Wide Web technology for providing better and efficient remote communication service between the user instrument and the server machine.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. in view of Ward et al. (U.S. Pat. No. 5754121).

Harada et al. teach a method and system that includes the subject matter discussed above. Harada et al. do not mention: said instrument, if receiving setting data from said center, measures the object and sends the measured data again, and then receives analysis result from said center; said center, in case of impossibility of analysis for the measured data, sends back a setting data to said instrument, receives measured data again and sends an analysis result to said user.

Ward et al. disclose a joint monitor capable of two-way remote communication with a medical facility (see abstract; Fig. 1; col. 3, lines 6-11 and lines 21-23), and teach the following elements: said monitor, receiving setting data from said medical facility, measures the object and sends the measured data back to the facility, and then receives operational instruction from said facility again (col. 3, lines 50-64; col. 4, lines 5-14; col. 4, lines 63-67; col. 5, lines 1-10; col. 5, lines 48-60, lines 66-67 and col. 6, lines 1-38); said medical facility,

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whenever necessary, sends a setting data to said monitor, and then receives measured data from the monitor for analysis (col. 3, lines 50-64; col. 4, lines 63-67; col. 5, lines 1-10; col. 5, lines 66-67 and col. 6, lines 1-38).

It would have been obvious to include the teachings of Ward two-way remote communication technique in the Harada system in order to make the interaction between the user instrument and the server machine more flexible and practically bi-directional.

6. Claims 3-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. in view of Ward et al. as applied to claim 5 above, and further in view of Derzay et al. (U.S. Pat. No. 6434572 B2).

Harada et al. and Ward et al. teach the subject matter discussed in claim 5 above, but do not teach: said center stations at least one center staff of professional, including the step of asking the center staff to come for impossibility of the automatic analysis, wherein said center staff analyzes the measured data; said center staff accesses said instrument, controls said instrument by setting data for measuring sent from said center, and said center receives measured data for analyzing again.

Derzay et al. disclose a system and method for providing remote service to a range of medical diagnostic systems through a centralized service center (see Fig. 1; col. 3, lines 11-18 and lines 27-30), and teach the following elements: said center stations at least one center staff of professional, wherein said center staff comes on-site to analyzes the measured data; said center staff accesses said instrument, controls said instrument by setting data for measuring sent from

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said center, and said center receives measured data for analyzing again (col. 4, lines 48-50, lines 56-57; col. 11, lines 23-67 and col. 12, lines 1-5).

It would have been obvious to include the teachings of Derzay on-site service in the Harada method and system in order to provide a system in which measurement data can be collected and analyzed both remotely and locally.

### ***Conclusion***

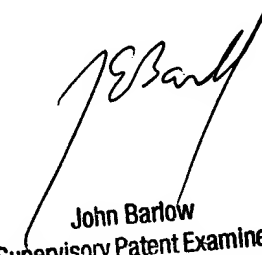
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached on 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703)308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5841 for regular communications and (703)308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

XS

October 20, 2002

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800